

THURSDAY, FEBRUARY 24, 1994

SIXTY-SEVENTH LEGISLATIVE DAY

The House met at 9:00 a.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by John Begarly, College Street Church of Christ, Joelton, TN.

Representative Mires led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 94

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under Rule No. 20:

Representative Cole (Dyer); business commitment.

RESOLUTIONS

Pursuant to Rule No. 17, the following resolution(s) was/were introduced and placed on the Consent Calendar for Monday, February 28, 1994:

House Resolution No. 0136 -- Memorials, Death -- Lyndell Bell.
by *Lewis.

House Joint Resolution No. 0473 -- Memorials, Recognition and Thanks -- Diana Singing, 25th Anniversary. by *Fowlkes, *Hargrove, *Stamps, *Halteman Harwell, *Hillis.

House Joint Resolution No. 0475 -- Memorials, Personal Occasion -- Wanda Mathis, fortieth birthday. by *Owenby, *Knight, *Purcell, *Williams Mike, *DeBerry, *Turner B, *Hargrove, *Moore, Chumney.

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

House Bill No. 2857 -- Montgomery County -- Raises amount of hotel/motel tax which may be levied on transients. Amends Chapter 167 of the Private Acts of 1979. by *Head, *Knight.

House Bill No. 2858 -- Oneida -- Authorizes Oneida Special School District to issue notes and bonds. by *Winningham.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were Held on the Clerk's desk pending third consideration of the companion House Bill as noted:

***Senate Bill No. 2001** -- Criminal Procedure -- Deletes specific list of crimes for assessing \$75.00 criminal prosecution fee regardless of amount alleged to be stolen; incorporates by reference offenses against property in TCA Title 39, Chapter 14. Amends TCA 40-3-204. (HB 2372).

***Senate Bill No. 2141** -- Planning, Public -- Restricts location of building on lots without road frontage to easement which meets planning commission specifications. Amends TCA 13-3-411. (HB 2183).

***Senate Bill No. 2506** -- Custody and Support -- Reduces minimum age of children whose custody preference may be considered by courts in determining care, custody and control from 14 to 12 years of age. Amends TCA 36-6-102. (HB 2414).

Senate Bill No. 2535 -- Highway Signs -- "T/Sgt. Lloyd Odell Hixson Memorial Highway," segment of new Corridor J Highway, Sequatchie County. (*HB 2358).

***Senate Bill No. 2615** -- Highway Signs -- "Veterans Memorial Parkway," U.S. Highway 64 Bypass, Pulaski. (HB 2564).

***Senate Bill No. 2644** -- Highway Signs -- "James A. 'Jimmie' Peeler, Jr. Memorial Highway," segment of S.R. 59, Tipton County. (HB 2707).

***Senate Bill No. 2725** -- Custody and Support -- Permits alimony in futuro to end upon remarriage. Amends TCA 36-5-101. (HB 2830).

Senate Bill No. 2745 -- Highway Signs -- "James K. Polk Highway," segment of U.S. Highway 412 and S.R. 99. (*HB 2602).

Senate Bill No. 2789 -- Highway Signs -- "Oak Ridge National Laboratory," I-40 at Highways 58 and 95. (*HB 2278).

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

House Bill No. 2853 -- Fayette County -- Held on Clerk's desk pending approval by local delegation.

House Bill No. 2854 -- Benton County -- Held on Clerk's desk pending approval by local delegation.

House Bill No. 2855 -- Putnam County -- Held on Clerk's desk pending approval by local delegation.

House Bill No. 2856 -- Springfield -- Held on Clerk's desk pending approval by local delegation.

REPORTS FROM STANDING COMMITTEES

The committees that met on Thursday, February 24, 1994, reported the following:

REPORT OF COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the Regular Calendar for Monday February 28, 1994: House Bills Nos. 1737, 2317, 2318, 2081, 1377, 1920 and 2001.

The Committee set the following bill(s) and/or resolution(s) on the Consent Calendar for Monday February 28, 1994: Senate Joint Resolution No. 260; also, House Bills Nos. 2130, 2083 and 2514.

CONSENT CALENDAR

House Resolution No. 0135 -- Memorials, Heroism -- Lamont Snipes.

House Joint Resolution No. 0459 -- Memorials, Public Service -- J.C. Smith, Public Service.

House Joint Resolution No. 0460 -- Memorials, Personal Occasion -- Robert Wayne and Mary Dean Chandler, golden wedding anniversary.

House Joint Resolution No. 0465 -- Memorials, Recognition and Thanks -- Dr. Cavit C. Cheshier.

House Joint Resolution No. 0469 -- Memorials, Recognition and Thanks -- LaFrona Jane Hill Gross.

House Joint Resolution No. 0470 -- Memorials, Death -- J. B. Howe.

OBJECTION -- CONSENT CALENDAR

Objection(s) was/were filed to the following on the Consent Calendar:

House Joint Resolution No. 465: by Rep. Odom.

Under the rules, House Joint Resolution No. 465 was/were placed at the foot of the calendar for Monday, February 28, 1994.

Pursuant to Rule No. 50, Rep. Moore moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes.	95
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

REGULAR CALENDAR

House Bill No. 2103 -- Local Government, General -- Allows local government's share of bridge project to be provided for by either local government funds or in kind contributions in any proportion. Same as *HB 2103. Amends TCA 54-4-507.

On motion, House Bill No. 2103 was made to conform with **Senate Bill No. 1788**; the Senate Bill was substituted for the House Bill.

Rep. Rhinehart moved that **Senate Bill No. 1788** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	95
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 2189 -- Taxes, Real Property -- Makes equivalent references to tax deed for property sold for delinquent taxes and court decree entered in delinquent tax case. Amends TCA, Title 67, Ch. 5.

On motion, House Bill No. 2189 was made to conform with **Senate Bill No. 2374**; the Senate Bill was substituted for the House Bill.

Rep. Rhinehart moved that **Senate Bill No. 2374** be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

Rep. Rhinehart moved that **Senate Bill No. 2374** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	98
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell,

Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

House Bill No. 1827 -- Pensions and Retirement Benefits -- Removes restrictions on investments by TCRS in institutions, companies and firms doing business in Republic of South Africa. Amends TCA 8-37-104.

Rep. R. Jones moved that **House Bill No. 1827** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	96
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 2270 -- Courts, Chancery -- Deletes certain special chancery court venue provisions for greater consistency with circuit courts. Amends TCA 16-11-114.

On motion, House Bill No. 2270 was made to conform with **Senate Bill No. 1803**; the Senate Bill was substituted for the House Bill.

Rep. Purcell moved that **Senate Bill No. 1803** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	96
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 2274 -- Courts, Supreme Court of Tennessee -- Authorizes supreme court to assume jurisdiction over undecided case before intermediate appellate review if compelling public interest exists. Amends TCA 16-3-201.

On motion, House Bill No. 2274 was made to conform with **Senate Bill No. 1808**; the Senate Bill was substituted for the House Bill.

Rep. Purcell moved that **Senate Bill No. 1808** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	96
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 1687 -- Sexual Offenses -- Abolishes defense to prosecution for offense of statutory rape that victim was 14 and had engaged promiscuously in sexual penetration. Amends TCA 39-13-506.

Rep. Purcell moved that House Bill No. 1687 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	98
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

House Bill No. 2005 -- Municipal Government -- Requires municipal clerk or recorder to obtain certification for professional standards from secretary of state. Amends TCA, Title 6, Ch. 54, Pt. 1.

Rep. Fowlkes moved that House Bill No. 2005 be passed on third and final consideration.

Rep. Love moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 2005 by deleting the first sentence of subsection (a) from the amendatory language of Section 1 and by substituting instead the following:

After July 1, 1994, a municipality which employs an officer or employee responsible for exercising any of the duties of municipal clerk or municipal recorder, as specified in the municipal charter, or any of the duties listed in subdivision (1), shall have one (1) such person obtain certification upon meeting the qualifications for certification established by the secretary of state.

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Rep. Fowlkes moved to amend as follows:

Amendment No. 1 to Amendment No. 1

Amend House Bill No. 2005 by deleting from the first sentence of Section 1 the date "July 1, 1994" and substituting instead the date "July 1, 1998".

On motion, Amendment No. 1 to Amendment No. 1 was adopted.

On motion, Amendment No. 1, as amended, was adopted.

Rep. Fowlkes moved to adopt Amendment No. 2 as follows:

Amendment No. 2

Amend House Bill No. 2005 by adding the following sentence to the amendatory language of Section 1, subsection (b):

Any person who is licensed to practice law in the state of Tennessee and who satisfies the continuing legal education requirement in Supreme Court Rule 21, is exempt from the certification requirements of this section.

On motion, Amendment No. 2 was adopted.

Rep. Fowlkes moved to adopt Amendment No. 3 as follows:

Amendment No. 3

Amend House Bill No. 2005 by adding the following as a new section immediately preceding the effective date section and by renumbering the effective date section accordingly:

Section ____ . Implementation of the provisions of this act shall be subject to the funding being provided in the general appropriations act.

On motion, Amendment No. 3 was adopted.

Rep. Fowlkes requested that House Bill No. 2005 be moved to the heel of the Calendar.

***House Bill No. 1623 -- Election Laws -- Removes Loudon County from provision requiring 300 foot boundary at polling places, placing it in general law requiring 100 foot boundary. Amends TCA 2-7-111.**

Rep. Gunnels moved that **House Bill No. 1623** be passed on third and final consideration, which motion prevailed by the following vote:

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Ayes.	90
Noes.	0
Present and not voting.	1

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Crain, Cross, Davidson, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 90.

Representatives present and not voting were: Stamps -- 1.

A motion to reconsider was tabled.

**MESSAGE FROM THE SENATE
February 24, 1994**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1928; passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Bill No. 1928** -- Sunset Laws -- Sports Festival, Inc., board of directors, June 30, 2002. Amends TCA, Title 4, Chs. 29, 40. by *Haynes.

**MESSAGE FROM THE SENATE
February 24, 1994**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1929; passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Bill No. 1929** -- Insurance, Life -- Requires insurers to offer individual life insurance policies to persons whose group life insurance coverage is terminated due to loss of employment. Amends TCA 56-7-601. by *Atchley.

REGULAR CALENDAR, CONTINUED

House Bill No. 2017 -- Insurance, Life -- Requires insurers to offer individual life insurance policies to persons whose group life

insurance coverage is terminated due to loss of employment. Amends TCA 56-7-601.

On motion, House Bill No. 2017 was made to conform with **Senate Bill No. 1929**; the Senate Bill was substituted for the House Bill.

Rep. Gunnels moved that **Senate Bill No. 1929** be passed on third and final consideration.

On motion, Rep. Byrd withdrew Commerce Committee Amendment No. 1.

Rep. Gunnels moved that **Senate Bill No. 1929** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	97
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

House Bill No. 1798 -- Jails, Local Lock-ups -- Authorizes sheriffs to grant furloughs to misdemeanor inmates. Amends TCA, Title 41, Ch. 4, Pt. 1.

On motion, House Bill No. 1798 was made to conform with **Senate Bill No. 1797**; the Senate Bill was substituted for the House Bill.

Rep. Kent moved that **Senate Bill No. 1797** be passed on third and final consideration.

Rep. Love moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 1797 by inserting the word "written" between the word "the" and the word "recommendation" in the first sentence of subsection (a) of Section 1.

AND FURTHER AMEND by deleting the words "or psychological" from subsection (b)(2) of Section 1.

AND FURTHER AMEND by adding the following language at the end of subsection (b)(3) of Section 1:

Such furlough shall be for a maximum of two (2) days.

AND FURTHER AMEND by adding the following language as new subsections at the end of Section 1:

(d) The sheriff shall file a copy of all documents related to the inmate's medical problems and condition with the sentencing court at the court's next regular court date.

(e) If, subsequent to an inmate's release, the inmate's condition improves so that the inmate is no longer in imminent peril of death or so that the inmate can adequately care for himself or herself in the prison environment, the inmate shall be returned to the county jail. The inmate's furlough may be suspended and returned to the county jail if the inmate breaks any conditions of the furlough.

On motion, Amendment No. 1 was adopted.

Rep. Kent moved passage of **Senate Bill No. 1797**, as amended, on third and final consideration, which motion failed by the following vote:

Ayes.	22
Noes.	66
Present and not voting.	4

Representatives voting aye were: Armstrong, Brown, Buck, Cole (Carter), Collier, Crain, DeBerry, Fisher, Fowlkes, Head, Jackson, Jones U (Shelby), Kent, Knight, Miller, Mires, Napier, Severance, Stulce, Turner (Shelby), Westmoreland, Wix -- 22.

Representatives voting no were: Allen, Anderson, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cross, Davidson, Dixon, Duer, Ferguson, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Herron, Hillis, Johnson, Joyce, Kernell, Kisber, Lewis, Liles, McAfee, McDaniel, McKee, Meyer, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Purcell, Ramsey, Ridgeway, Rigsby, Rinks, Ritchie, Shirley, Stamps, Stockburger, Thompson, Tindell, Turner (Hamilton), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Wingham, Wood -- 66.

Representatives present and not voting were: Haun, Jones R (Shelby), Rhinehart, Mr. Speaker Naifeh -- 4.

Having received a constitutional majority in the negative,

pursuant to **Rule No. 63**, the Speaker entertained a motion to to reject. Hearing none, the Speaker referred Senate Bill No. 1797 to the Calendar and Rules Committee.

***House Bill No. 1767 -- Motor Vehicles, Titling and Registration**
-- Authorizes special license plate for Army National Guard retirees. Amends TCA, Title 55, Ch.4, Pt. 2.

Rep. Rigsby moved that House Bill No. 1767 be reset to the Calendar for Wednesday, March 2, 1994, which motion prevailed.

House Bill No. 1941 -- Sunset Laws -- Sports Festival, Inc.,
board of directors, June 30, 2002. Amends TCA, Title 4, Chs. 29, 40.

Further consideration of House Bill No. 1941, previously considered on February 23, 1994, at which time it was objected to on the Consent Calendar and reset to the Regular Calendar for February 24, 1994.

On motion, House Bill No. 1941 was made to conform with **Senate Bill No. 1928**; the Senate Bill was substituted for the House Bill.

Rep. Kernell moved that **Senate Bill No. 1928** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	96
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 1945 -- Sunset Laws -- Sports Festival, Inc.,
June 30, 2002. Amends TCA, Title 4, Ch. 29; Title 8, Ch. 1.

Further consideration of House Bill No. 1945, previously considered on February 23, 1994, at which time it was objected to on

the Consent Calendar and reset to the Regular Calendar for February 24, 1994.

On motion, House Bill No. 1945 was made to conform with **Senate Bill No. 1835**; the Senate Bill was substituted for the House Bill.

Rep. Kernell moved that **Senate Bill No. 1835** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	95
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 1770 -- Utilities, Utility Districts -- Increases from three to five number of commissioners for utility districts located primarily in Franklin County; provides for election of commissioners for such utility districts. Amends TCA, Title 7.

Further consideration of House Bill No. 1770, previously considered on February 23, 1994, at which time it was objected to on the Consent Calendar and reset to the Regular Calendar for February 24, 1994.

Rep. Rigsby moved that Senate Bill No. 1770 be reset three weeks to the Calendar for Thursday, March 17, 1994, which motion prevailed.

House Bill No. 2005 -- Municipal Government -- Requires municipal clerk or recorder to obtain certification for professional standards from secretary of state. Amends TCA, Title 6, Ch. 54, Pt. 1.

Further consideration of House Bill No. 2005, previously considered on today's Calendar.

Rep. Fowlkes moved that House Bill No. 2005, as amended, be

reset one week to the Calendar for Thursday, March 3, 1994, which motion prevailed.

RULES SUSPENDED

***House Joint Resolution No. 0452 -- Memorials -- Directs removal of white vinegar from cafeteria in Legislative Plaza. by *Severance.**

Rep. Severance moved to suspend the rules for the immediate consideration of House Joint Resolution No. 452, which was objected to by Rep. Purcell, which motion he then withdrew.

UNFINISHED BUSINESS

**MESSAGE FROM THE SENATE
February 24, 1994**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 335; adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 0335 -- Memorials, Public Service -- Reverend Harold A. Simmons, First Community Church and Community Christian Counseling Center. by *Harper.

RULES SUSPENDED

Rep. Love moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 335 out of order, which motion prevailed.

Senate Joint Resolution No. 0335 -- Memorials, Public Service -- Reverend Harold A. Simmons, First Community Church and Community Christian Counseling Center.

On motion, the rules were suspended for the immediate concurrence in the resolution.

On motion of Rep. Love, the resolution was concurred in.

A motion to reconsider was tabled.

SPONSORS ADDED

Under Rule No. 43, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 1380: Rep(s). Odom as prime sponsor(s).

House Bill No. 1683: Rep(s). Windle as prime sponsor(s).

House Bill No. 1687: Rep(s). Chumney, Hargrove, Johnson and Speaker Naifeh, as prime sponsor(s).

House Bill No. 1767: Rep(s). Pinion, Walley and Turner (Hamilton) as prime sponsor(s).

House Bill No. 1865: Rep(s). Odom as prime sponsor(s).

House Bill No. 1880: Rep(s). Arriola, Buck, Byrd, Collier, Cross, Davidson, Ferguson, Fisher, Fowlkes, Garrett, Givens, Johnson, Lewis, Mires, Moore, Napier, Owenby, Phelan, Pinion Rigsby, Rinks, Stulce, Tindell, Williams (Williamson), Windle and Winningham as prime sponsor(s).

House Bill No. 1934: Rep(s). Arriola as prime sponsor(s).

House Bill No. 2017: Rep(s). Love as prime sponsor(s).

House Bill No. 2231: Rep(s). Buck as prime sponsor(s).

House Bill No. 2315: Rep(s). Pinion as prime sponsor(s).

House Bill No. 2354: Rep(s). Ritchie as prime sponsor(s).

House Bill No. 2388: Rep(s). Haley as prime sponsor(s).

House Bill No. 2394: Rep(s). Haley as prime sponsor(s).

House Bill No. 2457: Rep(s). Ritchie as prime sponsor(s).

House Bill No. 2582: Rep(s). Armstrong, Boyer, Peroulas Draper, Ritchie, Severance and Tindell as prime sponsor(s).

House Bill No. 2647: Rep(s). Haley as prime sponsor(s).

House Bill No. 2820: Rep(s). Brown as prime sponsor(s).

House Joint Resolution No. 465: Rep(s). Bragg as prime sponsor(s).

SPONSORS REMOVED

On motion, Rep(s). Ramsey was/were removed as sponsor(s) of **House Bill No. 1880.**

On motion, Rep(s). Boyer and Gunnels was/were removed as sponsor(s) of **House Bill No. 2672.**

On motion, Rep(s). Brooks was/were removed as sponsor(s) of **House Bill No. 2820.**

**REPORT OF CHIEF ENGROSSING CLERK
February 24, 1994**

The following bills have been transmitted to the Governor for his action: House Bill(s) No(s). 2357, 2385, 2416, 2445 and 2462; also, House Joint Resolution(s) No(s). 236, 440, 441 and 442.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**ENROLLED BILLS
February 24, 1994**

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 440 and 2489; also, House Resolution(s) No(s). 133 and 134.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED
February 24, 1994**

The Speaker signed the following: House Bill(s) No(s). 440 and 2489; also, House Resolution(s) No(s). 133 and 134.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE
February 24, 1994**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 464; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE
February 24, 1994**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 334; adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 0334 -- Memorials, illness -- Senator T. Tommy Cutrer. by *Rochelle, et al.

**MESSAGE FROM THE SENATE
February 24, 1994**

MR. SPEAKER: I am directed to request the return of Senate

THURSDAY, FEBRUARY 24, 1994 -- SIXTY-SEVENTH LEGISLATIVE DAY

Bill No. 1324, for further consideration.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**ENGROSSED BILLS
February 24, 1994**

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 1687 and 1827; also, House Joint Resolution(s) No(s). 459, 460, 469 and 470.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE
February 24, 1994**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1949 and 1976; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE
February 24, 1994**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 445, 446 and 447; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE
February 24, 1994**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 933; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**ENGROSSED BILLS
February 24, 1994**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 1623.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

February 24, 1994

The Speaker signed the following: Senate Bill(s) No(s). 1760, 1800, 1855 and 1975; also, Senate Joint Resolution(s) No(s). 305, 307, 308 and 328.

SIGNED

February 24, 1994

The Speaker signed the following: Senate Joint Resolution(s) No(s). 309.

MESSAGE FROM THE SENATE

February 24, 1994

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 317, 321, 322 and 324; adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 0317 -- Memorials, Professional Achievement -- William E. Trickett, Tennessee winner, 1994 Time Magazine Quality Dealer Award for 1994. by *Haynes, *Henry.

Senate Joint Resolution No. 0321 -- Memorials, Death -- James Leaks. by *Cohen.

Senate Joint Resolution No. 0322 -- Naming and Designating -- "American Legion Week," March 13-19, 1994. by *Albright, *Crutchfield, *Cooper, *O'Brien, *Henry, *Rochelle, *Crowe, *Womack, *Wallace, *Patten.

Senate Joint Resolution No. 0324 -- Memorials, Professional Achievement -- Richard R. Rooker, appointment as Circuit Court Clerk. by *Haynes, *Harper, *Rochelle, *Henry.

MESSAGE FROM THE SENATE

February 24, 1994

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1166, 1782, 1883, 1916, 1921, 1926, 1974, 2149, 2439 and 2576; passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Bill No. 1166 -- Drugs -- Designates 10 percent of proceeds county, metropolitan government or municipality is entitled to receive from drug fines and forfeitures to DARE program in such county, metropolitan government or municipality. Amends TCA, Title 39, Ch. 17, Pt. 4. by *Burks.

THURSDAY, FEBRUARY 24, 1994 -- SIXTY-SEVENTH LEGISLATIVE DAY

***Senate Bill No. 1782** -- Bonding, Surety and Professional -- Includes certain surety bonds as eligible collateral equal to 100 percent of value of state deposit secured by it. Amends TCA, Title 9, Ch. 4. by *Rochelle.

***Senate Bill No. 1883** -- Sunset Laws -- Board for licensing health care facilities, June 30, 2002. Amends TCA, Title 4, Ch. 29; Title 68, Ch. 11. by *Haynes.

***Senate Bill No. 1916** -- Sunset Laws -- Tennessee peace officer standards and training commission, June 30, 2002. Amends TCA, Title 4, Ch. 29; Title 38, Ch. 8. by *Haynes.

***Senate Bill No. 1921** -- Sunset Laws -- Tennessee victims coalition, June 30, 1996. Amends Chapter 351, Public Acts of 1991, as amended. Amends TCA, Title 4, Chs. 4, 41. by *Haynes, *Burks.

***Senate Bill No. 1926** -- Sunset Laws -- Savings institution collateral pool board, June 30, 2002. Amends TCA, Title 4, Ch. 29; Title 9, Ch. 4. by *Haynes.

***Senate Bill No. 1974** -- District Attorneys -- Creates three additional assistant district attorney general positions, one additional criminal investigator position, and one additional victim witness coordinator position for 26th judicial district. Amends TCA 16-2-506. by *McKnight.

Senate Bill No. 2149 -- Mortgages -- Includes extension, renewal or amendment of open ended mortgages or mortgages securing future advances as obligatory advances made by creditors. Amends TCA, Title 47, Ch. 28. by *Wallace, *Albright.

***Senate Bill No. 2439** -- Sunset Laws -- Law Enforcement Training Academy, June 30, 2002. Amends TCA, Title 4, Ch. 29; Title 38, Ch. 8. by *Haynes.

***Senate Bill No. 2576** -- Public Records -- Makes filing and contents of complaint and summons commencing civil action confidential until summons returned to court as having been served upon defendant(s). Amends TCA, Title 10, Ch. 7, Pt. 5. by *Ford, *Jordan.

**CONSENT CALENDAR
February 24, 1994**

The following local bills have been placed on the Consent Calendar for Monday, February 28, 1994: House Bill(s) No(s). 2843, 2851, 2847 and 2845.

ROLL CALL

The roll call was taken with the following results:

Present 98

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 98.

On motion of Rep. Purcell, the House recessed until 5:00 p.m., Monday, February 28, 1994.